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EXAMINER
QUADER, FAZLUL

ART UNIT	PAPER NUMBER
2164	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/569,227	YASUDA, RYOHEI
	Examiner	Art Unit
	FAZLUL QUADER	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Claims 1-8 *are* pending in this application.

2.   Applicant's arguments filed 06/24/2008, with respect to claims 1-8 have been fully considered but they are not persuasive, for examiner's response see discussion below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-8 of the current application (PCT filing date: Sept. 14, 2004) are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (US 7117253; filing date: Nov. 5, 2002), hereinafter "Nakayama" in view of Sakata (US 20040064507; PCT filing date: May 30, 2001).

5.   As for claim 1, Nakayama discloses, a content acquisition method (Nakayama:

col. 1, lines 20-29) comprising:

a request information transmission step of transmitting request information to an

external section in response to a request for content data (Nakayama: abs. lines 4-6),

said request information requesting address information of a plurality of content

provision apparatus capable of providing said content data (Nakayama: col. 4, lines 32-

41),

an information reception step of receiving from said external section said address

information of said plurality of content provision apparatus capable of providing said

content data, and said data size information of said content data, after transmitting said

request information (Nakayama: col. 5, lines 16-25);

a division position determination step of determining division start positions and

division end positions specifying division parts of said content data to request said

content data in divided form from said plurality of content provision apparatus, based on

the number of pieces of said address information and said data size information

received by said information reception step (Nakayama: col. 4, lines 16-24);

a division part request information transmission step of transmitting division part request information including content identification information of said content data, and said division start positions and division end positions of said division parts of said content data, such that each said division part is requested from different said content provision apparatus (Nakayama: col. 4, lines 16-24);

a division part reception step of receiving said division parts from said plurality of content provision apparatus after transmitting said division part request information (Nakayama: col. 4, lines 16-24);

a temporarily storing step of temporarily storing said division parts received by said division part reception step (Nakayama: col. 9, lines 31-42); and

a data restoring step of combining said division parts temporarily stored by said temporarily storing step to restore said content data (Nakayama: col. 9, lines 31-42, reproducing streaming contents);

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines). In claim 12, Sakata further discloses, an information provision system that provides a content destined for a terminal, said content created by a content provider, said information provision system comprising: a broadcast station for broadcasting said content via data broadcasts, a data communication server agent for accumulating said content onto a server on a network as well as setting access information to said server, and a content sending coordinator for requesting broadcast or accumulation onto a server of a content created by said content provider and presenting information necessary for receiving said content via broadcasts or information necessary for accessing said server to a terminal via a communication circuit, and that said content sending coordinator considers the content transmission cost, transmission time, traffic on the transmission path, and transmission data size before selecting said broadcast station or data communication server agent.

Sakata further states in claim 8, an information provision system according to claim 6 or 7, wherein said content provider accumulates said created content onto a server on a network, that said content sending coordinator includes the address information of said content on the network in said information to be presented to a terminal, and that said terminal manages a content received via data broadcasts in linkage with said address information. In claim 9, Sakata further discloses, an information provision system according to claim 8, wherein said terminal acquires a content from said server on a network based on said address information, which content

the terminal failed to receive via data broadcasts.

Both Nakayama and Sakata are of the same field of endeavor, they specifically teach content acquisition (Nakayama: col. 1, lines 20-29; Sakata: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Sakata into Nakayama of information management system, that would have allowed users of Nakayama to have a useful method, of providing contents to the subscribers, a content sending coordinator for scheduling contents broadcasts schedule to a user's receiving terminal, a broadcast station facility for broadcasting the requested contents as scheduled, and broadcast receiver equipped with a communication feature for receiving the broadcast contents as scheduled, and broadcast receiver equipped with a communication feature for receiving the broadcast contents and acquiring the contents via the internet in case it has failed to receive the contents (Sakata: [0049], lines 1-11).

6.   As for claim 2, Nakayama as modified discloses, the content acquisition method (Nakayama: col. 1, lines 20-29) according to claim 1, further comprising: a measurement step of measuring a reception completion period of time for each said content provision apparatus, said reception completion period of time representing a period between transmission of said division part request information and reception of said division parts from each said content provision apparatus (Nakayama: abs. lines 1-

2; col. 11, lines 61-64);

a reception stop step of stopping to receive said division part from said content

provision apparatus when said division part has not been received yet from said content

provision apparatus at a time a certain period of time has passed since the start of

measuring said reception completion period of time (Nakayama: col. 11, lines 50-57;

col. 12, lines 12-24); and

a division part request apparatus switch step of switching from said content

provision apparatus from which said reception stop step stopped halfway to receive said

division part to different said content provision apparatus to request said division part

therefrom (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59).

7.   As for claim 3, Nakayama as modified discloses, the content acquisition method

(col. 1, lines 20-29) according to claim 2, further comprising: a reception status update

step of sequentially updating a reception end position of each said division part as

reception status, while receiving said division parts from said plurality of content

provision apparatus (Nakayama: col. 4, lines 16-24); and

a reception remnant part request information transmission step of transmitting

reception remnant part request information to the content provision apparatus different

from said content provision apparatus from which said reception stop step stopped

halfway to receive said division part to request a reception remnant part which is a part

of said division part not received completely (Nakayama: col. 12, lines 42-50), said

reception remnant part request information including said content identification

information, and said reception end position and division end position of said division

part not received completely (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59)..

7. As for claim 4, Nakayama discloses, a content acquisition apparatus (Nakayama: col.

1, lines 20-29) comprising:

    request information transmission means for transmitting request information to an

external section in response to a request for content data, said request information

requesting address information of a plurality of content provision apparatus capable of

providing said content data, and data size information of said content data (Nakayama:

fig. 3; col. 5, lines 16-25; Claim 4);

    information reception means for receiving from said external section said address

information of said plurality of content provision apparatus capable of providing said

content data (Nakayama: Claim 3), and said data size information of said content data,

after said request information transmission means transmits said request information

(Nakayama: Claim 4);

    division position determination means for determining division start positions and

division end positions specifying division parts of said content data (Nakayama: abs.

lines 4-6), to request said content data in divided form from said plurality of content

provision apparatus, based on the number of pieces of said address information

(Nakayama: col. 4, lines 32-41);

division part request information transmission means for transmitting

division part request information including content identification information of said

content data (Nakayama: Claim 4), and said division start positions and division end

positions of said division parts of said content data, such that each said division part is

requested from different said content provision apparatus; division part reception means

for receiving said division parts from said plurality of content provision apparatus after

said division part request information transmission means transmits said division part

request information (Nakayama: col. 4, lines 16-24);

temporarily storing means for temporarily storing said division parts received by

said division part reception means (Nakayama: col. 9, lines 31-42); and

data restoring means for combining said division parts temporarily stored by said

temporarily storing means to restore said content data (Nakayama: col. 9, lines 31-42,

reproducing streaming contents);

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines).

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines). In claim 12, Sakata further discloses, an information provision system that provides a content destined for a terminal, said content created by a content provider, said information provision system comprising: a broadcast station for broadcasting said content via data broadcasts, a data communication server agent for accumulating said content onto a server on a network as well as setting access information to said server, and a content sending coordinator for requesting broadcast or accumulation onto a server of a content created by said content provider and presenting information necessary for receiving said content via broadcasts or information necessary for accessing said server to a terminal via a communication circuit, and that said content sending coordinator considers the content transmission cost, transmission time, traffic on the transmission path, and transmission data size before selecting said broadcast station or data communication server agent.

Sakata further states in claim 8, an information provision system according to claim 6 or 7, wherein said content provider accumulates said created content onto a

server on a network, that said content sending coordinator includes the address

information of said content on the network in said information to be presented to a

terminal, and that said terminal manages a content received via data broadcasts in

linkage with said address information. In claim 9, Sakata further discloses, an

information provision system according to claim 8, wherein said terminal acquires a

content from said server on a network based on said address information, which content

the terminal failed to receive via data broadcasts.

Both Nakayama and Sakata are of the same field of endeavor, they specifically

teach content acquisition (Nakayama: col. 1, lines 20-29; Sakata: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of

applicant's invention to incorporate the teachings of Sakata into Nakayama of

information management system, that would have allowed users of Nakayama to have

a useful method, of providing contents to the subscribers, a content sending coordinator

for scheduling contents broadcasts schedule to a user's receiving terminal, a broadcast

station facility for broadcasting the requested contents as scheduled, and broadcast

receiver equipped with a communication feature for receiving the broadcast contents as

scheduled, and broadcast receiver equipped with a communication feature for receiving

the broadcast contents and acquiring the contents via the internet in case it has failed to

receive the contents. (Sakata: [0049], lines 1-11).

8.   As for claim 5, Nakayama as modified discloses, the content acquisition

apparatus (Nakayama: col. 1, lines 20-29) according to claim 4, further comprising:

measurement means for measuring a reception completion period of time for each said

content provision apparatus (Nakayama: abstract; col. 2, lines 15-21) said reception

completion period of time representing a period between transmission of said division

part request information (Nakayama: col. 2, lines 26- 32) and reception of said division

parts from each said content provision apparatus (Nakayama: abs. lines 1-2; col. 11,

lines 61-64; col. 11, lines 50-57; col. 12, lines 12-24);

reception stop means for stopping to receive said division part from said content

provision apparatus when said division part has not been received yet from said content

provision apparatus at a time a certain period of time has passed since the start of

measuring said reception completion period of time (Nakayama: col. 11, lines 50-57;

col. 12, lines 12-24); and

division part request apparatus switch means for switching from said content

provision apparatus from which said reception stop means stopped halfway to receive

said division part to different said content provision apparatus to request said division

part therefrom (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59).

9.   As for claim 6, Nakayama as modified discloses, the content acquisition

apparatus (Nakayama: col. 1, lines 20-29) according to claim 5, further comprising: a

reception status update means for sequentially updating a reception end position of

each said division part as reception status, while receiving said division parts from said

plurality of content provision apparatus (Nakayama: col. 4, lines 16-24); and

a reception remnant part request information transmission means for transmitting

reception remnant part request information to the content provision apparatus different

from said content provision apparatus from which said reception stop means stopped

halfway to receive said division part to request a reception remnant part which is a part

of said division part not received completely (Nakayama: col. 12, lines 42-50), said

reception remnant part request information including said content identification

information, and said reception end position and division end position of said division

part not received completely (Nakayama: col. 12, lines 42-50; col. 12, lines 50-59).

10.   As for claim 7, Nakayama discloses, a content acquisition program (Nakayama:

col. 1, lines 20-29) for causing information processing apparatus to execute: a request

information transmission step of transmitting request information to an external section

in response to a request for content data (Nakayama: abs. lines 4-6), said request

information requesting address information of a plurality of content provision apparatus

capable of providing said content data (Nakayama: col. 5, lines 16-25);

an information reception step of receiving from said external section said address

information of said plurality of content provision apparatus capable of providing said

content data, and said data size information of said content data, after transmitting said

request information (Nakayama: col. 5, lines 16-25);

a division position determination step of determining division start positions and

division end positions specifying division parts of said content data to request said

content data in divided form from said plurality of content provision apparatus

(Nakayama: col. 13, lines 29-43), based on the number of pieces of said address

information and said data size information received by said information reception step

(Nakayama: col. 4, lines 16-24);

a division part request information transmission step of transmitting division part

request information including content identification information of said content data

(Nakayama: col. 13, lines 29-43), and said division start positions and division end

positions of said division parts of said content data, such that each said division part is

requested from different said content provision apparatus (Nakayama: col. 4, lines 16-

24);

a division part reception step of receiving said division parts from said plurality of

content provision apparatus after transmitting said division part request information

(Nakayama: col. 4, lines 16-24);

a temporarily storing step of temporarily storing said division parts received by said division part reception step (Nakayama: col. 9, lines 31-42); and

a data restoring step of combining said division parts temporarily stored by said temporarily storing step to restore said content data (col. 9, lines 31-42, reproducing streaming contents).

Nakayama, however, does not explicitly disclose, "data size information of said content data";

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines).

Sakata, on the other hand, discloses, "data size information of said content data" (Sakata: [0016]; claim 12, last 5 lines). In claim 12, Sakata further discloses, an information provision system that provides a content destined for a terminal, said content created by a content provider, said information provision system comprising: a broadcast station for broadcasting said content via data broadcasts, a data

communication server agent for accumulating said content onto a server on a network

as well as setting access information to said server, and a content sending coordinator

for requesting broadcast or accumulation onto a server of a content created by said

content provider and presenting information necessary for receiving said content via

broadcasts or information necessary for accessing said server to a terminal via a

communication circuit, and that said content sending coordinator considers the content

transmission cost, transmission time, traffic on the transmission path, and transmission

data size before selecting said broadcast station or data communication server agent.

Sakata further states in claim 8, an information provision system according to

claim 6 or 7, wherein said content provider accumulates said created content onto a

server on a network, that said content sending coordinator includes the address

information of said content on the network in said information to be presented to a

terminal, and that said terminal manages a content received via data broadcasts in

linkage with said address information. In claim 9, Sakata further discloses, an

information provision system according to claim 8, wherein said terminal acquires a

content from said server on a network based on said address information, which content

the terminal failed to receive via data broadcasts.

Both Nakayama and Sakata are of the same field of endeavor, they specifically

teach content acquisition (Nakayama: col. 1, lines 20-29; Sakata: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's

invention to incorporate the teachings of Sakata into Nakayama of information

management system, that would have allowed users of Nakayama to have a useful

method, of providing contents to the subscribers, a content sending coordinator for

scheduling contents broadcasts schedule to a user's receiving terminal, a broadcast

station facility for broadcasting the requested contents as scheduled, and broadcast

receiver equipped with a communication feature for receiving the broadcast contents as

scheduled, and broadcast receiver equipped with a communication feature for receiving

the broadcast contents and acquiring the contents via the internet in case it has failed to

receive the contents. (Sakata: [0049], lines 1-11).

11.   As for claim 8, Nakayama discloses, a content acquisition system (Nakayama:

col. 1, lines 20-29) including a plurality of content provision apparatus providing content

data and content acquisition apparatus acquiring said content data from said plurality of

content provision apparatus (Nakayama: col. 4, lines 32-41), the content acquisition

system wherein:

        said content acquisition apparatus (Nakayama: col. 1, lines 20-29) includes:

request information transmission means for transmitting request information to an

external section in response to a request for said content data (Nakayama: abs. lines 4-

6), said request information requesting address information of said plurality of content

provision apparatus capable of providing said content data (Nakayama: col. 4, lines 32-

41), and data size information of said content data;

information reception means for receiving from said external section said address information of said plurality of content provision apparatus capable of providing said content data (Nakayama: col. 13, lines 29-43), and said data size information of said content data, after said request information transmission means transmits said request information (Nakayama: col. 5, lines 16-25);

division position determination means for determining division start positions and division end positions specifying division parts of said content data to request said content data in divided form from said plurality of content provision apparatus, based on the number of pieces of said address information and said data size information received by said information reception means (Nakayama: col. 4, lines 16-24);

division part request information transmission means for transmitting division part request information including content identification information of said content data, and said division start positions and division end positions of said division parts of said content data (Nakayama: col. 4, lines 16-24; col. 13, lines 29-43), such that each said division part is requested from different said content provision apparatus; division part reception means for receiving said division parts from said plurality of content provision apparatus after said division part request information transmission means transmits said

division part request information (Nakayama: col. 4, lines 16-24);

temporarily storing means for temporarily storing said division parts received by said division part reception means (Nakayama: col. 9, lines 31-42); and

data restoring means for combining said division parts temporarily stored by said temporarily storing means to restore said content data (Nakayama: col. 9, lines 31-42); and

said content provision apparatus includes (Nakayama: col. 1, lines 20-29):

division part request information reception means for receiving said division part request information from said content acquisition apparatus ;

division means for dividing said content data corresponding to said content identification information to extract said division part from between said division start position and division end position of said content data in response to said division part request information (Nakayama: col. 13, lines 29-43) received by said division part request information reception means, said content identification information, said division start position, and said division end position being shown in said division part request information Nakayama: (col. 4, lines 16-24); and

division part transmission means for transmitting to said content acquisition

apparatus said division part divided from said content data by said division means

(Nakayama: col. 4, lines 16-24).

Nakayama, however, does not explicitly disclose, "data size information of said

content data";

Sakata, on the other hand, discloses, "data size information of said content data"

(Sakata: [0016]; claim 12, last 5 lines). In claim 12, Sakata further discloses, an

information provision system that provides a content destined for a terminal, said

content created by a content provider, said information provision system comprising: a

broadcast station for broadcasting said content via data broadcasts, a data

communication server agent for accumulating said content onto a server on a network

as well as setting access information to said server, and a content sending coordinator

for requesting broadcast or accumulation onto a server of a content created by said

content provider and presenting information necessary for receiving said content via

broadcasts or information necessary for accessing said server to a terminal via a

communication circuit, and that said content sending coordinator considers the content

transmission cost, transmission time, traffic on the transmission path, and transmission

data size before selecting said broadcast station or data communication server agent.

Sakata further states in claim 8, an information provision system according to

claim 6 or 7, wherein said content provider accumulates said created content onto a

server on a network, that said content sending coordinator includes the address

information of said content on the network in said information to be presented to a

terminal, and that said terminal manages a content received via data broadcasts in

linkage with said address information. In claim 9, Sakata further discloses, an

information provision system according to claim 8, wherein said terminal acquires a

content from said server on a network based on said address information, which content

the terminal failed to receive via data broadcasts.

Both Nakayama and Sakata are of the same field of endeavor, they specifically

teach content acquisition (Nakayama: col. 1, lines 20-29; Sakata: [0008]).

It would have been obvious to one of the ordinary skill in the art at the time

of applicant's invention to incorporate the teachings of Sakata into Nakayama of

information management system, that would have allowed users of Nakayama to have

a useful method, of providing contents to the subscribers, a content sending coordinator

for scheduling contents broadcasts schedule to a user's receiving terminal, a broadcast

station facility for broadcasting the requested contents as scheduled, and broadcast

receiver equipped with a communication feature for receiving the broadcast contents as

scheduled, and broadcast receiver equipped with a communication feature for receiving

the broadcast contents and acquiring the contents via the internet in case it has failed to

receive the contents (Sakata: [0049], lines 1-11).

Prior art made of record

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Endo et al. (US 20050188018) teach information transmission/reception device.

Response to Arguments

13.   Applicant's arguments filed 06/24/2008, with respect to claims 1-8 have been

fully considered but they are not persuasive, for examiner's response see discussion

below.

Applicant's arguments: Nakayama describes a client server arrangement in which

information is transferred from a server side to a client side. In applying this description

to the claims of record, the Office has identified column 4, lines 16-24 of this reference

to correspond to both of the claimed features listed above. The cited portion of the Nakayama reference describes that a WWW browser is utilized to browse HTTP contents. This passage also explains that streaming content is content which is continually transferred from one device to another, and that streaming data is divided into "clips". Aside from the word "divided" being mentioned in this passage, Applicant is at a complete loss to identify any disclosure or suggestion remotely similar to the Applicant's claimed features recited above. Additionally, the Office Action is completely silent with respect to any reasoned rationale as to how this passage relates to the above-identified claim features.

Simply stated, the claims require that division start positions and division end positions are determined for specifying division parts of content data such that the content data can be requested, in divided fashion, from a plurality of content position apparatuses. The division process is based on a number of pieces of address information and data size information. This information is then transmitted as division part request information and includes content identification information of the content data; the division start positions and division end positions of the content data, such that each division part is requested from a different content division apparatus. Clearly, **Nakayama does not disclose or suggest determining division start positions or division end positions of content data based upon address information and data size**. Additionally, **Nakayama does not disclose or suggest transmitting such information such that each division part is requested from a different content provision apparatus as claimed. 1** As Sakata has not been relied upon for describing any of the

aforementioned claimed features, nor does Sakata remedy any of these deficiencies as

discussed above, Applicant respectfully requests that the rejection of Claims 1-8 under

35 U.S.C. § 103 be withdrawn.

Examiner's response: In paragraph [0078], Sakata explicitly recites in case the

contents to be sent per terminal is transmitted via a broadcasting system and the

broadcast schedule and the contents are acquired via a communications system,

address information used to specify the contents. At the terminal, contents are

acquired in accordance with a broadcast schedule and the acquired contents are

accumulated in a cache together with the corresponding URLs. Sakata further

discloses in claim 2, an information provision system according to claim 1, wherein said

individual receive information includes address information used in case said content is

acquired via a communications system. Sakata further states in claim 8, an information

provision system according to claim 6 or 7, wherein said content provider accumulates

said created content onto a server on a network, that said content sending coordinator

includes the address information of said content on the network in said information to

be presented to a terminal, and that said terminal manages a content received via data

broadcasts in linkage with said address information. In claim 9, Sakata further

discloses, an information provision system according to claim 8, wherein said terminal

acquires a content from said server on a network based on said address information,

which content the terminal failed to receive via data broadcasts.

In claim 12, Sakata further discloses, an information provision system that provides a
content destined for a terminal, said content created by a content provider, said
information provision system comprising: a broadcast station for broadcasting said
content via data broadcasts, a data communication server agent for accumulating said
content onto a server on a network as well as setting access information to said
server, and a content sending coordinator for requesting broadcast or accumulation
onto a server of a content created by said content provider and presenting information
necessary for receiving said content via broadcasts or information necessary for
accessing said server to a terminal via a communication circuit, and that said **content
sending coordinator considers the content transmission cost, transmission time,
traffic on the transmission path, and transmission data size before selecting said
broadcast station or data communication server agent**.

As already mentioned, Nakayama discloses, division part request information
transmission means for transmitting division part request information including content
identification information of said content data, and said division start positions and
division end positions of said division parts of said content data (Nakayama: col. 4, lines
16-24; col. 13, lines 29-43, clips are a form of divisional data), such that each said
division part is requested from different said content provision apparatus; division part
reception means for receiving said division parts from said plurality of content provision
apparatus after said division part request information transmission means transmits said
division part request information (Nakayama: col. 4, lines 16-24).

Conclusion

13.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to FAZLUL QUADER whose telephone number is

(571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays

off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAZLUL QUADER
Examiner
Art Unit 2164

/FQ/
10/03/2008

/Mohammad Ali/

Supervisory Patent Examiner, Art Unit 2169